



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

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**TECHNICAL ADVISORY COMMITTEE MEETING
MINUTES**

November 16, 2001

**2535 Capitol Oaks Drive, Suite 300A
Sacramento, CA 95833**

**1. CALL MEETING TO ORDER AND ROLL CALL TO ESTABLISH
QUORUM**

Robert Larson, Chair, called the meeting to order at 9:05 AM.

The following members were present:

Robert Larson, Chair
Michael Hart
Sharon Jasek Reid
Tony Sawyer
Roy Shlemon
Julia Turney

The following members were absent:

Brian Hirst
Martin Miele

Also in attendance:

Gary Duke, Legal Counsel
Mary Lynn Ferreira, Associate Governmental Program Analyst
Roger Poff, Professional Soil Science Association of California
Theodore Smith, Division of Mines and Geology

2. PUBLIC COMMENT ON NON-AGENDA ITEMS

Roger Poff, Professional Soil Science Association of California (PSSAC), presented an article he authored for PSSAC's newsletter regarding the

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previous efforts of the Board and PSSAC to define the practice of soil

science. Mr. Poff stated that PSSAC is concerned because this issue is not finalized after several efforts. PSSAC is also concerned that under the current Geologist and Geophysicist Act (Act), soil scientists could be cited and fined for doing what they are qualified and trained to do. He requested the current status of the matter. Mr. Larson explained that the definition was included in and subsequently deleted from legislation revising the Act this year and that no new regulations are proposed at this time.

The Committee will specify its concerns to the proposed regulations drafted in February 2001, and staff will draft new proposed language to address those concerns for consideration at TAC's next meeting.

Ms. Ferreira informed the Committee that Robert A. Matthews, Ph.D., has been appointed as a professional member of the Board by Governor Davis to replace Seena N. Hoose.

3. APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 7, 2001

Mr. Sawyer moved to approve as corrected the minutes of the September 7, 2001, meeting.

Mr. Shlemon seconded.

The motion passed unanimously.

4. REPORT ON SEPTEMBER 28, 2001, BOARD MEETING

The Committee received draft minutes of the September 28, 2001, Board meeting.

Mr. Larson reported that the Board approved for public hearing TAC's recommended amendments to section 3008, California Code of Regulations, requiring licensees to sign and seal geological and geophysical documents with minor changes. Mr. Duke advised the Committee that subsequent to the Board meeting, he concluded that the recommended changes cannot be made because they conflict with sections 7835 and 7835.1 of the Act that requires licensees to sign or seal geological and geophysical documents.

Mr. Larson informed the Board of TAC's concerns regarding digital signatures. The Board asked TAC to review the matter again.

Mr. Larson informed the Board of TAC's continued review of amendments to section 3065, Code of Professional Standards, and requested that the Board direct TAC to develop Guidelines for Professional Practice. The Board approved development of the guidelines.

5. REPORT ON STATE MINING AND GEOLOGY BOARD FOREST GEOLOGY TAC

Mr. Hart reported that the Board approved he and Mr. Larson to represent the Board on the State Mining and Geology Board's (SMGB) Technical Advisory Committee on Forest Geology.

On November 9, 2001, the SMGB's Technical Advisory Committee on Forest Geology held a teleconference to discuss a document prepared by the University of California (UC) on the creation of a state entity to form a more scientific basis for reviewing and preparing cumulative water shed effect for timber harvest plans. The SMGB's Technical Advisory Committee on Forest Geology will evaluate UC's document at its first meeting on November 20, 2001.

6. RECOMMENDATION ON THE PROPER USE OF THE BOARD'S SEALS AND LICENSEES' SIGNATURES (MANUAL AND/OR DIGITAL) ON GEOLOGIC AND NON-GEOLOGIC REPORTS

The Committee discussed possible amendments to sections 7835 and 7835.1 of the Act or to sections 3008 and 3066 of the California Code of Regulations, regarding seals or signatures on all documents considered the practice of geology or geophysics.

Theodore Smith, Division of Mines and Geology (DMG), stated that DMG has problems identifying individuals submitting reports that are only signed because the signatures are illegible. He suggested that section 3008 be amended to require that if the licensee only signs the report, he or she must also include his or her license number or type his or her name.

Mr. Smith will prepare a letter for the State Geologist's signature describing DMG's problem.

Mr. Sawyer moved that the Committee recommend to the Board amendments to section 3008, California Code of Regulations, as follows:

3008. Seal or Signature

(d) The licensee shall place his or her seal or signature and license number on all documents that are considered

the practice of geology or geophysics for which he or she is in responsible charge. Sealing or signing geologic or geophysical documents when the underlying work was not performed by or under the responsible charge of the licensee is prohibited.

When multiple licensees prepare a geologic or geophysical document, each licensee shall seal or sign it.

Each licensee shall include the date of sealing or signing immediately below or next to the seal or signature.

(e) Geological or geophysical documents submitted electronically shall include an electronically generated representation of the licensee's seal or signature and license number.

Mr. Shlemon seconded.

The motion passed unanimously.

7. RECOMMENDATION TO BOARD ON POSSIBLE ADOPTION OF CHANGES TO PROFESSIONAL STANDARDS

Ms. Turney summarized proposed changes to section 3065, California Code of Regulations, that Mr. Sawyer and she drafted since the last meeting. The members reviewed the changes and the professional standards provisions of other states' laws and regulations. The Committee agreed on possible amendments to section 3065 that Ms. Ferreira will prepare for further discussion at the next meeting.

The members questioned the ability of other states to enforce various provisions of their laws and regulations. Staff will survey the states to ascertain the success of disciplinary action for violations of the various provisions of law listed in Ms. Thompson's summary. Ms. Turney will contact Indiana to find out the success of enforcing the provision requiring licensees to report violations to the board.

Provisions identified as not appropriate for regulation were noted for possible inclusion in the Professional Practice Guidelines.

8. RECOMMENDATION TO BOARD ON POSSIBLE ADOPTION OF PROFESSIONAL PRACTICE GUIDELINES

Mr. Sawyer volunteered to coordinate the drafting of Professional Practice Guidelines. He will maintain a list of items identified by the Committee for possible inclusion in the guidelines. The Committee briefly discussed the format and general areas to be included.

9. SCHEDULING OF COMMITTEE MEETINGS IN CALENDAR YEAR 2002

The Committee scheduled meetings on March 8, June 14, August 23 and November 1, 2002.

10. TECHNICAL ADVISORY COMMITTEE CHAIR'S REPORT AND ANNOUNCEMENTS

Mr. Larson had no report or announcements.

11. ADJOURNMENT

Mr. Larson adjourned the meeting at 2:45 PM.

ROBERT LARSON, Chair

PAUL SWEENEY, Executive Officer

Date Approved: March 8, 2002